

TOWN OF POUGHKEEPSIE LOCAL LAW NO. _____ OF THE YEAR 2005

A LOCAL LAW OF THE TOWN OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK, REGULATING FOR AN INTERIM PERIOD THE NEW DEVELOPMENT AND USE OF LANDS AND BUILDINGS PENDING REVISION OF THE TOWN'S EXISTING LAND USE, ZONING AND BUILDING CONSTRUCTION LOCAL LAWS

BE IT ENACTED by the Town Board of the Town of Poughkeepsie as follows:

A. This local law shall be known as and may be cited as the Interim

Development Law of the Town of Poughkeepsie.

B. LEGISLATIVE INTENT AND FINDINGS

The Town of Poughkeepsie, New York is currently pursuing a comprehensive review of land use controls within its municipal boundaries. This process recently has been manifested in a review by a committee appointed by the Town Board to review the Town's comprehensive plan, and to prepare revisions to the Town's local zoning laws in accordance with that plan. It is anticipated that these activities will culminate in significant and wide ranging legislative revisions to the land use controls of the municipality, within the foreseeable future.

The municipality is experiencing a trend of increased land use development proposals which may be inconsistent with the purposes or results of implementing the revisions to its comprehensive plan and legislative land use regulations. In addition, it is determined that the Town should review serious potential traffic implications, water usage implications, sewer disposal implications, drainage implications and impact on school districts that serve the Town of Poughkeepsie prior to its consideration or approval of significant developments which may negate and

circumvent proper land use planning and revisions process already underway and, thus, become contrary to the public interest and welfare.

In order to prevent land use development which may prejudice, and be inconsistent with, comprehensive revision of the Town's land use regulations, appropriate interim measures must be taken in the form of a moratorium on review and approval of such development.

“Legislative actions, such as amendments to the Comprehensive Plan, zoning, or other land use regulations and any SEQRA reviews by the Town Board as involved or advisory agencies are not subject to this local law. Where the SEQRA review of any such legislative action involves participation by one or more other Boards or agencies of the Town as “involved agencies,” this local law shall not be interpreted to prohibit such participation by any such Board or agency, provided however, all such reviews shall be at the applicant's sole risk and shall not be construed as vesting any development rights specifically authorized by the Town Board and the completion such SEQRA review shall not constitute a basis for compelling the approval of the proposed action.”

C. SCOPE OF COVERAGE

All provisions of the Town of Poughkeepsie Zoning Ordinance and other land use regulations relating to subdivision applications for residential subdivisions in excess of 10 lots and building construction thereon and applications for special permits and for site plan approval and for multiple family dwellings and applications for final approval on any pending application for residential subdivisions in excess of 10 lots for special permits and for site plan approval for multifamily dwellings shall be superceded

on a Town wide basis only where inconsistent herewith during the effective period of this local law as follows:

1. Chapter 210 of the Code of the Town of Poughkeepsie (the local law entitled “Zoning”), Chapter 68 of the said Code (local law entitled “Building Construction”), Chapter 116 of the said Code (local law entitled “Aquatic Resource Protection”) , and Chapter 177, (entitled “Subdivision”), shall be superseded, only where inconsistent herewith, during the effective period of this local law, to the extent that:

a) No application for subdivision approval in excess of 10 residential lots, special use permits for multifamily dwellings and or site plan approval for multifamily dwellings and applications for final approval on any pending application for subdivisions in excess of 10 lots, site plans for multifamily dwellings and special use permits for multifamily dwellings, building permits, or variances shall be accepted by the officers or boards authorized to do so under the provisions of said local laws of the Town relating to such applications, except as otherwise stated hereinafter in Section “D” hereof.

b) No filed, pending applications for the approvals or permits, hereinabove set forth in Section “C (1) (a)” hereof, shall be processed, reviewed or granted by the officers or boards authorized to do so under the provisions of said local laws relating thereto, except as otherwise stated in Section “D” hereof.

D. EXCLUSIONS

Notwithstanding the foregoing provisions hereof, this local law shall not apply to:

1. applications, review and issuance of building permits and

certificates of occupancy for single-family residential structures on existing individual lot(s), or on lot(s) within subdivision plats which have received final approval from the Planning Board as of the effective date of this local law,

2. certificates of occupancy for any existing structures and for any and all construction pursuant or building permits or construction permits issued prior to the effective date of this local law,

3. alteration, renovation, or repair to any structure or accessory land development lawfully existing as of the effective date of this local law, with the exception of lawful non-conforming structures, development or uses,

4. area variance applications to the Town's Zoning Board of Appeals,

5. In recognition that information gathered during the SEQR review process will assist the Town Board as it considers adoption of the comprehensive plan and appropriate zoning regulations, the Planning Board and Zoning Board of Appeals may continue to accept and review applications solely to the extent of compliance with SEQRA and completion of the State Environmental Quality Review Act (SEQRA) process. All such SEQRA review shall be considered to be undertaken at the applicant's sole risk, and shall not be construed as vesting any developmental rights in said developer, and the completion of such SEQRA review shall not constitute a basis for compelling the approval of the proposed action.”

E. Developers of proposals, which are barred by the provisions of the local law, may have, upon request, a maximum of two (2) informal, informational conferences with the appropriate officer or board while this local law is in effect.

F. PENALTIES

Any person or entity that shall, or permit, the development, construction, erection, or alteration of any lands or buildings in violation of the provisions of this local law, or shall otherwise violate any of the provisions hereof, shall:

1. be guilty of an offense, punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a period not to exceed six (6) months, or both. Each week's continued violation shall constitute a separate offense, and
2. be subject to appropriate action or proceedings by the proper authorities of the Town to enjoin, correct or abate any violation.

G. VARIANCES

The Town Board of the Town of Poughkeepsie shall be authorized to accept and review requests for variances from application of the provisions of this local law, in the case of practical difficulty or unnecessary hardship to the applicant.

1. Applications for a variance shall be filed in triplicate with the Town Clerk, together with a filing fee of \$250.00. The applications shall specifically recite the nature of the proposed use of land, the circumstances pursuant to which the variance is sought and the reasons for which a variance is needed and the alleged conditions of hardship or practical difficulty.
2. The Town Board may refer any application for a variance herein to The Dutchess County Department of Planning, the Town of Poughkeepsie Planning Board or to the Town of Poughkeepsie Zoning Board of Appeals for their advise and recommendation but all decision on granting or denying such variances shall be made by the Town Board solely within its discretion after determining that the requested variance

is compatible with the amendments proposed to be made to the comprehensive plan of the Town or to the Zoning Ordinance as such proposed changes may then exist.

3. The Town Board shall conduct a public hearing on any request for variance within thirty (30) days of receipt by the Town Clerk; within fifteen (15) days of the close of the hearing, the Town Board shall issue its final decision on the request for a variance .

H. VALIDITY

This local law is adopted pursuant to the provisions of Municipal Home Rule Law Section 10(1)(i), and (ii) and subparagraph (a) and shall supercede the provisions of Section 274-a and Section 274-b of Town Law, and Sections 276, 277 and 278 of the Town Law and of any inconsistent provision set forth in Article 16 of the Town Law. The invalidity of any provisions of this local law shall not affect the validity of any other part of this local law which can be given effect.

I. EFFECTIVE DATE AND DURATION

This local law shall take effect immediately as provided by law, and shall remain in force and effect for a period of 270 days after the effective date of this local law.